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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,787	06/28/2001	In Kap Kim	ORIEN22.001AUS	5977

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EXAMINER

FORD, JOHN K

ART UNIT

PAPER NUMBER

3743

DATE MAILED: 04/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/894,787	Kim et al.	
	Examiner	Art Unit	
	FORD	3743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on                   .

2a)  This action is FINAL.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-11 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 1-4 is/are allowed.

6)  Claim(s) 5-11 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

15)  Notice of References Cited (PTO-892)  
16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3  
18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_  
19)  Notice of Informal Patent Application (PTO-152)  
20)  Other: \_\_\_\_\_

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The drawings are objected to because Figure 10 must be legended PRIOR ART.

Correction is required.

Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being obvious over JP 09-024722 or JP 09-024723 in view of JP 60-8105.

JP '722 or JP '723 show all of the claimed features except the passage divider in the air intake assembly. JP '105 teaches the passage divider in the air intake assembly 6 shown in Figures 8 and 9. To have provided JP '722 or JP '723 with an air intake door assembly/divider as taught by JP '105 at 6 in Figures 8 and 9 in place of that shown above any of the fan casings in of

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JP '722 or JP '723 would have been obvious to reduce the cost and complexity of the air intake system.

Claims 5-11 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over JP 10-016539 or JP 11-180128 or JP 1-208238 or JP 09-156348 or JP 09-024722 or JP 09-024723.

The Examiner does not speak Japanese and to that extent preserves a right to argue obviousness if translations of these references (assuming applicant provides them) show them to be something other than what they appear to be in drawing Figures.

Claims 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over any of the prior art as applied to claims 5-11 above, and further in view of JP 09-240247 (Fig. 5) or Kim et al.

JP '247 teaches a split in partition 20 (20a and 20b) to permit heat exchanger 21 to be inserted. To have used a split in the partition to permit the heater and evaporator to be installed in any of the prior art references enumerated above would have been obvious. See Kim, Figure 6, assigned to Halla Climate Control (the current assignee) for the same teaching in reference to partition 63 and evaporator 100 and heater 200.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to John Ford at telephone number (703) 308-2636.

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**John K. Ford**  
**Primary Examiner**

J. Ford

April 1, 2002